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By this NPRM, the FCC initiates a rulemaking to determine whether to reallocate television channel 16 to the land mobile service for use by the New York Police Department and NYMAC for public safety use in the New York metropolitan area. Comments are sought on the technical impact of this proposal.

This matter shall be treated as a "permit—but-disclose" proceeding in accordance with the Commission's ex parte rules. 47 CFR 1.200, 1.1206. Members of the public are advised that ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided under the Commission's rules. *See generally* 47 CFR 1.1203 and 1.1206(a).

Pursuant to 47 CFR 1.415, 1.419, interested parties may file comments on or before September 22, 2003 and reply comments on or before October 6, 2003. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

Comments filed using ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. When completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties also may submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience

delays in receiving U.S. Postal Service mail).

The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002.

- The filing hours at this location are 8 a.m. to 7 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Allotments, § 73.606(b) of the Commission's rules. *See* Certification That §§ 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981.

Accordingly, it is ordered that pursuant to the authority contained in Sections 1, 4(i), 4(j), 301, 303, 308, 309(j), and 337 of the Communications Act of 1934, as amended, 47 U.S.C. sections 151, 154(j), 157(a), 301, 303, 308, 309(j), and 337 this Notice of Proposed Rulemaking is adopted.

List of Subjects in 47 CFR Part 2

Television.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 2 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended by

revising footnote NG66 to read as follows.

§ 2.106 Table of Frequency Allocations.

* * * * *

NON-FEDERAL GOVERNMENT (NG)
FOOTNOTES

* * * * *

NG66 The use of the land mobile service in the band 470–512 MHz is available for assignment to licensees in the Public Mobile Services, the Public Safety Radio Pool, and the Industrial/Business Radio Pool at, or in the vicinity of 11 urbanized areas, as set forth in the following table. Additionally, the band 482–488 MHz (TV channel 16) is available for assignment to licensees in the Public Safety Radio Pool at, or in the vicinity of, Los Angeles and at, or in the vicinity of, New York City and Nassau and Suffolk Counties, New York. Such use in the land mobile service is subject to the conditions set forth in 47 CFR parts 22 and 90.

Urbanized area	Frequencies (MHz)	TV channel
New York, NY-Northeastern New Jersey.	470–482	14, 15
Chicago, IL-Northwestern Indiana.	470–482	14, 15
Boston, MA	470–476 and 482–488.	14, 16
Pittsburgh, PA	470–476 and 494–500.	14, 18
Los Angeles, CA	470–476 and 506–512.	14, 20
Miami, FL	470–476	14
San Francisco-Oakland, CA.	482–494	16, 17
Dallas, TX	482–488	16
Washington, D.C.-Maryland-Virginia.	488–500	17, 18
Houston, TX	488–494	17
Philadelphia, PA-New Jersey.	500–512	19, 20

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03–2574; MB Docket No. 03–181; RM–10758]

Radio Broadcasting Services; Blanchard and Weatherford, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Audio Division requests comment on a petition filed by Wright Broadcasting Systems, Inc., licensee of FM Station KWEY, Channel 247C1,

Weatherford, Oklahoma. Petitioner proposes to change the community of license for KWEY-FM from Weatherford to Blanchard, Oklahoma, as a first local service, to change the corresponding channel allotment from Channel 247C1 to Channel 247A, and to modify the license of KWEY-FM accordingly. Channel 247A can be allotted to Blanchard in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.1 km (1.3 miles) southwest of Blanchard. The coordinates for Channel 247A at Blanchard are 35-07-21 North Latitude and 97-40-18 West Longitude.

DATES: Comments must be filed on or before September 22, 2003, and reply comments on or before October 7, 2003.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the petitioner as follows: John C. Trent, Putbrese, Hunsaker & Trent, P.C., 100 Carpenter Drive, Suite 100, Post Office Box 217, Sterling, Virginia 20167-0217.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Media Bureau (202) 418-7072.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 03-181, adopted July 30, 2003 and released August 1, 2003. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893.

The Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Blanchard, Channel 247A, and by removing Channel 247C1 at Weatherford.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

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